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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,101

11/18/2003

Jack Y. Peng

27140.010

9904

21907 7590 04/28/2008

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EXAMINER

SMITH, NICHOLAS A

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,101	Applicant(s) PENG ET AL.	
	Examiner NICHOLAS A. SMITH	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1-3 and 5-22 remain for examination. Claim 4 has been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5, 7-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nayar (US Patent 4,126,451) as evidenced by Mori (US 4,121,928).
4. Nayar is applied to the claims for the same reasons as stated in paragraph(s) 5-14 of the previous office action.
5. In regards to claim(s) 1 amendment "being a box," Nayar discloses a metal frame being a box (Figures 1 and 2). It is noted that a box is a container, case, receptacle, usually rectangular and oftentimes with at least a lid or removable cover. Furthermore, the metal frame (1) is a box with two lids (3,4).
6. In regards to claim(s) 1 amendment, "which encapsulate said metal-matrix-composite as a thick core; and said method results in a high sheet yield rate for producing said framed-metal-matrix-composite-plate/sheet," Nayar is applied to the claims for the thick core as stated in paragraph(s) 6-7 of the previous office action.

7. However, Nayar does not explicitly disclose a high yield rate for producing. Mori discloses a method of manufacturing composite metal sheets via powder metallurgy/rolling wherein it is expected that such a process would produce no edge cracking and a high yield rate of production (abstract, col. 2, lines 48-50). In the instant case, Nayar would inherently have a high yield rate of production.

8. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nayar (US Patent 4,126,451), as evidenced by Mori, and as evidenced by Lowrance, II et al. (US Patent 5,382,405).

9. Nayar as evidenced by Mori and Lowrance, II et al. is applied to the claims for the same reasons as stated in paragraph(s) 16 of the previous office action.

10. Claims 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nayar as evidenced by Mori in view of JP 61194101 A (JP'101).

11. Nayar as evidenced by Mori in view of JP'101 is applied to the claims for the same reasons as stated in paragraph(s) 18-19 of the previous office action.

Response to Arguments

12. Applicant's arguments filed 22 January 2008 have been fully considered but they are not persuasive. Please see reasons stated above. Furthermore, in regards to Applicant's argument that the claimed invention would produce composite materials having superior properties over the conventional plain metal structure materials, Applicant is reminded that Nayar discloses a composite material (Nayar, abstract) and Applicant has not shown how a change in relative dimensions belays unexpected

results. Examiner corrects the typo in paragraph 7 of the previous office action; it is a reference to MPEP 2144.04 IV.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS A. SMITH whose telephone number is (571)272-8760. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Susy Tsang-Foster can be reached on (571)-272-1293. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry D Wilkins, III/
Primary Examiner, Art Unit 1795

NAS